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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,016	06/20/2003	Christoph Thiebes	PO7721/LeA 36,179	8475

157 7590 03/21/2005

BAYER MATERIAL SCIENCE LLC  
100 BAYER ROAD  
PITTSBURGH, PA 15205

EXAMINER
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NILAND, PATRICK DENNIS

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/600,016

Applicant(s)

THIEBES ET AL.

Examiner

Patrick D. Niland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/03, 12/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pub. No. 2002/0028948 A1 Wenning et al..

Wenning discloses using a combination of blocking agents of the instantly claimed triazoles and pyrazoles at the abstract; page 1, sections [0010] through [0020]; page 2, sections [0021] through [0039] , particularly [0036]; page 3, sections [0040] through [0053]; page 4, sections [0054] through [0076], particularly [0062] which encompasses excess blocking agent in an amount of the instant claim 6 when considered with section [0068] of which the table of the second column encompasses the NCO content of the instant claims 4 and 5 , [0068] of which the table of the second column encompasses the NCO content of the instant claims 4 and 5; and the remainder of the document. It is not surprising nor unexpected that the blocking agents of Wenning give reduced thermal yellowing as the blocking agents of Wenning are well known to reduce yellowing as taught by the Konig references cited by the applicant and the fact that hindered amine stabilizers stabilize against yellowing, also mentioned in the Konig references, are well known light and antioxidant stabilizers and the instantly claimed blocking agents fall

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within the scope of hindered amine stabilizers which are expected to reduce oxidation, which is increased kinetically and thermodynamically in the presence of heat or light, both of which are forms of energy, which physically speaking, is the commodity required to induce change including those changes resulting in the yellowing of isocyanates or urethanes. Coatings and coated substrates are disclosed at page 3.

4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over 3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pub. No. 2002/0028948 A1 Wenning et al..

Wenning discloses using a combination of blocking agents of the instantly claimed triazoles and pyrazoles at the abstract; page 1, sections [0010] through [0020]; page 2, sections [0021] through [0039] , particularly [0036]; page 3, sections [0040] through [0053]; page 4, sections [0054] through [0076], particularly [0062] which encompasses excess blocking agent in an amount of the instant claim 6 when considered with section [0068] of which the table of the second column encompasses the NCO content of the instant claims 4 and 5 , [0068] of which the table of the second column encompasses the NCO content of the instant claims 4 and 5; and the remainder of the document. It is not surprising nor unexpected that the blocking agents of Wenning give reduced thermal yellowing as the blocking agents of Wenning are well known to reduce yellowing as taught by the Konig references cited by the applicant and the fact that hindered amine stabilizers stabilize against yellowing, also mentioned in the Konig references, are well known light and antioxidant stabilizers and the instantly claimed blocking agents fall within the scope of hindered amine stabilizers which are expected to reduce oxidation, which is increased kinetically and thermodynamically in the presence of heat or light, both of which are

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forms of energy, which physically speaking, is the commodity required to induce change including those changes resulting in the yellowing of isocyanates or urethanes. Coatings and coated substrates are disclosed at page 3.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the above discussed combination of blocking agents and an excess thereof because they are encompassed by the patentee and would have been expected to give the properties of the blocked isocyanates disclosed therein.

5. Claims 1-6 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 5523377 Konig et al..

Konig discloses the instantly claimed polyisocyanates and coatings therewith at the abstract; column 1, lines 5-67, particularly 6-11; column 2, lines 1-67; column 3, lines 1-67, particularly 51-59, which encompasses the amounts of the instant claims 4-6; and the remainder of the document.

6. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5523377 Konig et al..

Konig discloses the instantly claimed polyisocyanates and coatings therewith at the abstract; column 1, lines 5-67, particularly 6-11; column 2, lines 1-67; column 3, lines 1-67, particularly 51-59, which encompasses the amounts of the instant claims 4-6; and the remainder of the document.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the above discussed parameters in making the compositions and coatings of the patentee because they are encompassed by the patentee and would have been expected to give

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the coating properties of the patentee. No unexpected results are seen as stemming therefrom. It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the additives and amounts thereof of the instant claims 7-8 because, based on the well known and accepted language "additives and auxiliaries" these items are known to the ordinary skilled artisan for use in coatings and will give their well known affects thereto. Many such additives are used in relatively small amounts, i.e. those of the instant claim 8, so as not to affect the coating properties adversely, e.g. plasticizers and stabilizers. The patentee encompasses such additives implicitly at column 7, lines 58-63.

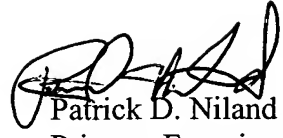
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick D. Niland whose telephone number is 571-272-1121. The examiner can normally be reached on Monday to Thursday from 10 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patrick D. Niland  
Primary Examiner  
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